

Chairman Rod Johnson called the regularly scheduled meeting to order at 10:05 a.m. with Commissioners Boyle, Johnson, Landis, and Schram present, and Commissioner Vap excused. Chairman Johnson invited the public to address the Commission at any point during the meeting. He also announced that a copy of the Nebraska Open Meetings Act was available in the meeting room.

#### GENERAL ADMINISTRATION

Notice was duly published March 6, 2007 on Page 7 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held March 13, 2007 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceedings:

#### Tuesday, March 13, 2007:

11:00 Commission Hearing Room, Lincoln. Workshop.  
Presentation of an acquisition proposal by representatives of Aquila and Black Hills Corporation.

DC-71/ Commission Library, Lincoln.  
NUSF-53 In the Matter of Maurice Gene Hand, Director, Communica-  
2:00 tions Department and Jeffrey L. Pursley, Director, Nebraska  
Universal Service Fund Department, Complainants v. Qwest  
Corporation, Respondent. Commissioner Landis presiding as  
Hearing Officer.

#### Thursday, March 15, 2007:

B-1696 Commission Library, Lincoln, and College Park, Conference  
1:30 Room C, 3180 West Highway 34, Grand Island.  
In the Matter of Todd Freisen, d/b/a Your Own Limousine,  
Grand Island, seeking to acquire, through transfer, the  
authority granted to Central Limousine, Grand Island, in  
Certificate B-1659. Commission Landis presiding as  
Hearing Officer.

#### COMMUNICATIONS DEPARTMENT

C-3554/ In the Matter of the Commission, on its own motion, seeking  
NUSF-50/ to investigate whether the zones established in Docket  
PI-112 C-2516 are appropriate in light of NUSF-26 findings and  
conclusions. Commissioner Jerry Vap presiding as Hearing  
Officer: Nichole Underhill reported that this docket will be addressed  
during the Nebraska Infrastructure and Public Safety Department  
agenda. A hearing officer order was entered March 12, 2007, to move  
the deadline for testimony/comments from March 30, 2007 to April 17,  
2007 and to continue the April 10-11, 2007 hearing to May 1, 2007 at  
1:00 p.m. in the Commission Hearing Room, Lincoln.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3753 In the Matter of Long Lines Siouxland, LLC, South Sioux City, seeking authority to provide facilities-based Competitive Local Exchange Telecommunications services within the State of Nebraska: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-023.4 In the Matter of Custer County, Public Safety Answering Point, Broken Bow, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation. Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an order granting the funding request in part. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

911-023.7 In the Matter of Cedar County, Public Safety Answering Point, Hartington, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation. Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an order denying the funding request. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an order granting equipment funding requests in part for Dockets 911-023.9 through 911-023.23. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

911-023.9 In the Matter of Chase County, Public Safety Answering Point, Imperial, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation.

911-023.10 In the Matter of Hamilton County, Aurora, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation.

911-023.23 In the Matter of Dawes County, Public Safety Answering Point, Chadron, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

911-023.27 In the Matter of Platte County/City of Columbus, Public Safety Answering Point, Columbus, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation: Motion made by Commissioner Boyle, seconded by Commissioner Schram, to enter an order granting the funding request. Motion passed with Commissioners Boyle, Johnson, Landis and Schram voting AYE, and Commissioner Vap excused not voting.

911-023.31 In the Matter of Scottsbluff County, Public Safety Answering Point, Gering, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation: Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an order denying the funding request. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

911-023.50 In the Matter of Harlan/Phelps Counties, Public Safety Answering Point, Holdrege, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation: Motion made by Commissioner Boyle, seconded by Commissioner Schram, to enter an order granting the funding request in part. Motion passed with Commissioners Boyle, Johnson, Landis and Schram voting AYE, and Commissioner Vap excused not voting.

911-023.53 In the Matter of Saunders County, Public Safety Answering Point, Wahoo, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order approving the funding request for GIS mapping. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

NUSF- In the Matter of Jeffrey L. Pursley, Director, Nebraska  
37.111 Telecommunications Infrastructure and Public Safety  
Department, Complainant v. Buzz Telecom Corporation,  
Respondent(s): Motion made by Commissioner Anne Boyle, seconded by  
Commissioner Frank Landis, to enter an order dismissing the complaint.  
Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis  
and Tim Schram voting AYE, and Commissioner Jerry Vap excused not  
voting.

C-3554/ In the Matter of the Commission, on its own motion, seeking  
NUSF-50/ to investigate whether the zones established in Docket  
PI-112 C-2516 are appropriate in light of NUSF-26 findings and  
conclusions. Commissioner Jerry Vap presiding as Hearing  
Officer: A Hearing Officer order was entered March 12, 2007, to move  
the deadline for testimony/comments from March 30, 2007 to April 17,  
2007 and to reschedule the April 10-11, 2007 hearing to May 1, 2007 at  
1:00 p.m. in the Commission Hearing Room, Lincoln.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

NUSF-67      In the Matter of Jeffrey L. Pursley, Director, Nebraska Telecommunications Infrastructure and Public Safety Department, Complainant v. United Telephone Company of the West, d/b/a Embarq, Defendant: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter a complaint against Embarq for failure to comply with Commission rules and regulations, explicitly itemizing the Nebraska USF surcharge on customer billings. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

Jeff Pursley discussed the Nebraska USF surcharge overpayments by TracFone Wireless for the data periods of June, 2005 through December, 2005. These data periods were part of the third party audit of the Nebraska USF Remittance Worksheets due December 31, 2006: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to approve a surcharge credit in the amount of \$135,715.94 for the overpayments made by TracFone in the 2005 data periods. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

RULES AND REGULATIONS

Rule and      In the Matter of the Commission, on its own motion, seeking Regulation to amend Title 291, Chapter 13, Modular Housing Unit Construction Rules and Regulations, to amend Sections 002.05A, #168      002.05B, 005.01 related to placement of state seals and seal fees: The Commission was informed that Governor Heineman signed a Waiver of Notice of Public Hearing on March 8, 2007. Authorization to proceed was received from the Governor's Policy Research Office on March 9, 2007, and notification was also sent to the Chairman of the Legislature's Executive Board and Secretary of State on March 9, 2007.

Rule and      In the Matter of the Commission, on its own motion, seeking Regulation to amend Title 291, Chapter 7, Transmission Lines Rules and #169      Regulations, to adopt the 2007 edition of the National Electrical Safety Code as the official rules of the Commission for the construction, operation, and maintenance of overhead and underground electric transmission lines: The Commission was informed that authorization to proceed was received from the Governor's Policy Research Office on March 6, 2007.

TRANSPORTATION DEPARTMENT

B-1653        In the Matter of Juvenile Re-entry Community Program, Inc., d/b/a Community Van Services, Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers and their baggage in open class service by vans between points in Douglas, Sarpy, Cass and Washington counties, on the one hand, and on the other hand, points between said counties: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter an order for a notice of pending dismissal. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

B-1690        In the Matter of SDG Transportation, Inc., d/b/a Classic Limousine Service, Omaha, seeking to acquire, through transfer, the authority granted to A & R Klassic Kars Limousine Service, LLC, in Certificate Number B-1599. Commissioner Landis presiding as Hearing Officer: A Hearing Officer order was entered March 13, 2007, scheduling oral arguments on a Motion for Reconsideration for March 20, 2007 at 1:30 p.m. in the Commission Hearing Room, Lincoln.

B-1691        In the Matter of Midwest Transportation Specialists, Inc., Curtis, seeking to acquire, by transfer, Supplement 1 of the certificate held by Midwest Special Services, Inc. in Certificate B-1351: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter an order granting the application and revoking Supplement 1 of Certificate B-1351. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

Rate Division

LR-278        In the Matter of Central Limousine, Grand Island, seeking authority to amend its rates and charges: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order granting the application on an emergency basis. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

MR-930        In the Matter of Movers and Warehouse Division, Nebraska Motor Carriers Association, Lincoln, seeking authority to establish a fuel surcharge in Nebraska Official Household Goods Tariff 7-F: The fuel surcharge was increased to 64 cents per mile.

GRAIN WAREHOUSE DEPARTMENT

GW-279        In the Matter of Farmers Cooperative, Dorchester: John Fecht discussed the shortage of oats.

GRAIN WAREHOUSE DEPARTMENT (Cont.)

- GW-1033      In the Matter of Fordyce Farmers Non-Stock Cooperative, Fordyce: John Fecht discussed the shortage of corn.
- GW-589      In the Matter of Midland Co-op, Funk, seeking cancellation of its Grain Warehouse License: John Fecht informed the Commission that the application was granted.
- GW-1136      In the Matter of Central Valley Ag Cooperative, Nonstock, Elgin, seeking to buy the grain represented on lost warehouse receipt B658806, issued to David Voborny, Petersburg: John Fecht informed the Commission that the application was granted.
- GW-1510      In the Matter of Kelley Bean Co., Inc., Morrill, seeking cancellation of its Grain Warehouse License: John Fecht informed the Commission that the application was granted.
- GW-2021      In the Matter of Cooperative Producers, Inc., Hastings, seeking cancellation of its Grain Warehouse License: John Fecht informed the Commission that the application was granted.
- GW-2119      In the Matter of M. G. Waldbaum Company, d/b/a Wayne Grain & Feed, Wayne, seeking a \$250,000.00 deductible on its stock insurance: Motion made by Commissioner Schram, seconded by Commissioner Frank Landis, to enter an order granting a request for a \$25,000 deductible. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting. Motion made by Commissioner Schram, seconded by Commissioner Frank Landis, to rescind the original motion to enter an order granting a request for a \$25,000 deductible. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting. Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order granting the request for a \$250,000 deductible. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

Grain Dealer Division

- GW-589      In the Matter of Midland Co-op, Funk, seeking cancellation of its Grain Dealer License: John Fecht informed the Commission that the application was granted.
- GW-2021      In the Matter of Cooperative Producers, Inc., Hastings, seeking cancellation of its Grain Dealer License: John Fecht informed the Commission that the application was granted.

GENERAL ADMINISTRATION

Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to approve the following Commission invoices. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

Attorney General	\$	2,721.92
DAS - Materiel - Office Supplies		784.31
Voyager		1,166.15
Fred Massing		733.40
Kent Pribyl		567.82
Frank Landis		97.00
Rod Johnson		469.06

Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to add a Commission meeting for March 27 at 1:30 p.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Rod Johnson, Frank Landis and Tim Schram voting AYE, Commissioner Anne Boyle voting NAY, and Commissioner Jerry Vap excused not voting.

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The meeting adjourned at 10:45 a.m. with Commissioners Boyle, Johnson, Landis, and Schram present, and Commissioner Vap excused. The next regularly scheduled meeting will be held on March 20, 2007, at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on March 19, 2007.

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Chairman

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Deputy Director